

Planning & Zoning Commission Meeting
Minutes of December 2, 2009
1st Floor North Conference Room - City Hall

Present: Chair Cindy Weeks; Vice-Chair Darryl Hart; Thomas Byers, Nathaniel Cannady, Jerome Jones and Steven Sizemore

Absent: Mark Sexton

Pre-Meeting - 4:30 p.m.

The Commissioners discussed (1) returning to a regular meeting schedule (1st Wednesday of each month) noting that the number of mid-month meetings scheduled were largely due to the stormwater discussions; and (2) the pros and cons for attending Council hearings for items already reviewed and voted on by the Commission (unlike other Commissions, the Planning & Zoning Commission felt that their attendance at Council hearings could confuse an issue, particularly when there was not full consensus on an item). It was generally felt that the detailed minutes provided by the Commission of their discussion and considerations should adequately inform the Council of the decision making process. Also, Mr. Cannady and Mr. Hart informed the rest of the Commission that they anticipate requesting to excuse themselves from the Mission Hospital Cancer Center conditional use permit vote due to conflicts of interest.

Regular Meeting - 5:00 p.m.

Chair Weeks called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Mr. Sizemore moved to approve the minutes of the November 19, 2009, mid-month meeting. This motion was seconded by Mr. Jones and carried unanimously by a 7-0 vote.

Agenda Items

(1) Creation of the Airport Zoning Designation

Assistant Director of Planning & Development Shannon Tuch said that this is consideration of the creation of an Airport zoning designation. She said that in March of this year, the City of Asheville received a copy of a signed resolution and cover letter from the Asheville Regional Airport Authority requesting that the City adopt specific land use/zoning ordinances for the airport property at the Asheville Regional Airport.

The Asheville Regional Airport Authority was established in 1979 as a joint governmental agency organized and created by the City of Asheville and Buncombe County, pursuant to General Statutes, for the purpose of maintaining, operating, regulating and improving the Asheville Regional Airport. The majority of the property is zoned Industrial (IND) which generally accommodates the uses associated with the airport functions; however, as a general zoning designation, it is subject to basic development standards that are designed for a wide variety of land uses occurring throughout the City. In recent years, the Airport has submitted a number of modest development projects where applying basic development standards proved challenging, particularly for the aviation related projects.

Regional airports are generally recognized to be a very specialized and unique land use and it is not unusual for municipalities to apply special land use designations and standards to

airport properties. There are a variety of tools that the City could consider when responding to this request and a general description is offered below:

1. **Develop and Adopt a Master Plan** – The Airport has initiated a long range Master Plan for the Airport property. This plan could be refined to include a site specific plan that could be considered and adopted by City Council. Special allowances for certain development standards could be incorporated and approved as part of the adoption of the plan and separate phases could be reviewed on a staff level only to verify compliance with the plan and the special standards established. A conditional zoning overlay would be applied to the property.
2. **Create a New Airport Specific Zoning Designation** – City staff, in collaboration with the Airport Authority, could develop a new zoning designation that specifically addresses the unique nature and needs of the aviation related projects. This would require the creation of the new zoning standards (wording amendment) in addition to a separate action to apply the new zoning designation (rezoning).
3. **Establish a New Authority by Special Act of the NC General Assembly.** Similar to what the Pitt-Greenville Airport Authority established (also true of other authorities around the state) and is another option here. This would accomplish much of what the City could accomplish through the creation of Airport specific zoning.
4. **Allow the Airport to Develop their own Zoning Authority** –Under NC law, Article 4 of N.C. Gen. Stat. Chapter 63 (Model Airport Zoning Act, herein "MAZA"), any two or more political subdivisions (local governments) may, pursuant to a process specified in the statute, create a joint board and delegate to the board the power to promulgate, administer and enforce airport zoning regulations. The regulations have to relate to protecting the aerial approaches to the airport, and thus are limited in effect. It appears that these regulations--as they affect landing approaches/clear zones, etc. - may be effective beyond the corporate boundaries of the political subdivision (at least as to property owned by that subdivision). The Asheville Airport Authority is a joint agency comprised of Asheville and Buncombe County, but was established by an interlocal agreement (different law) but could exercise this option. The extent of what some of the controls may be are not clear and staff is attempting to clarify.
5. **Establish an Airport Overlay** – This may be in conjunction with the establishment of a special zoning designation and would extend beyond the boundaries of Airport property. The primary purpose of this would be to help protect the aerial approach to the Airport but could, unlike the Zoning Authority, also include other prohibitions to help mitigate land use conflict (typically noise).

Staff has spoken recently with Airport representatives regarding preference. While no option has been completely ruled out and may be considered in the future, it appears as though Option 2 most closely resembles what the Authority had in mind when drafting the resolution. Additionally, interest was expressed in Option 5; however, it was recognized that a collaborative effort between multiple jurisdictions would have to be coordinated. As a result, it was decided that the initial effort should concentrate on establishing the airport specific zoning as a reasonable first step.

Together with Airport management, work continues on drafting a new wording amendment that would create a new airport zoning designation – it is anticipated that this draft will be ready for consideration during the regularly scheduled meeting in January (January 6, 2010). Researching other North Carolina zoning codes that regulate airport development will help shape the content of the final draft while provide valuable benchmarking information. While additional research is needed, it is expected that the proposed draft will include:

- ? Definitions of specialized terms
- ? Establishment of “airside” versus “landside” zones
- ? List of permitted and prohibited uses
- ? Specialized development standards
- ? Flexibility or relief from typical development standards that are in conflict with aviation operations (lighting, sidewalks, etc.)
- ? Limitations on non-airport compatible development
- ? Customized development thresholds
- ? Height restrictions
- ? Relief from certain landscape requirements and prohibitions on wetlands and other potential nesting areas

Once the draft language for the new zoning district is established, a rezoning action will be required in order to apply the new designation to the Airport property. This would not include parcels that may be owned by the Airport but are non-contiguous to the airport property.

In May of this year, this item was reviewed by the Council's Planning & Economic Development Committee who supported the pursuit of an airport specific zoning designation and participation in a multi-jurisdictional collaboration for establishing an airport overlay.

In response to Mr. Byers, Ms. Tuch said that the Airport zoning designation can stand alone without the Airport overlay, but they would work together to meet the overarching goal for the Airport. She said a concern of the Airport is the approaching flight pattern and some of the residential single-family low-density development that has been occurring in the area, which is traditionally a problem for airports in communities. In order to get ahead of a potential for a growing land use conflict, they would like to help regulate that.

When Mr. Sizemore asked if we could just do an overlay zone in the City's jurisdiction without the Airport zoning designation, Ms. Tuch said that we could, but ideally we would want the same set of development standards for Buncombe and Henderson counties. Also, there would be limited application in our corporate limits because there is not a lot of the corporate limit around the Airport as its most unincorporated Buncombe and Henderson counties.

Mr. Sizemore asked if it would be feasible to have an overlay zone just of the current Airport property (zoned Industrial) with the opportunity for expansion of that overlay beyond the corporate boundaries. Ms. Tuch said that is a possibility, but explained that it's not accomplishing what the Airport wants.

In response to Mr. Sizemore, Ms. Tuch said that she felt it will be feasible to work with the other jurisdictions when you think about what the Airport brings to the region.

Ms. Weeks acknowledged that staff will bring the Commissioners a draft of the new wording amendment that would create a new airport zoning designation at their January 6, 2010, meeting.

- (2) Review of the Level III site plan for the project identified as Mission Outpatient Cancer Center located on Hamilton Street for a 229,521 square foot medical building and parking deck with a request to reduce the required number of parking spaces. The property owner is Memorial Mission Hospital Inc. and the contact is Garrett Shreffler. The properties are identified on the Buncombe County tax maps and records as PINs 9648.34-9654, 9648.37-7081, 9648.44-0580 and 1891.**

Mr. Sizemore moved to excuse Mr. Hart (Board member of Mission Health System) and Mr. Cannady (potential for construction contract work) due to conflicts of interest. This motion

was seconded by Mr. Jones and carried unanimously on a 6-0 vote. At this time Mr. Hart and Mr. Cannady left the meeting room.

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans for the construction of an outpatient cancer center (medical building) and associated parking deck. This project is considered a Level III review pursuant to Section 7-5-9(a) of the Unified Development Ordinance (UDO) which designates review for institutional developments with a gross floor area of more than 100,000 square feet. Level III projects are reviewed as Conditional Use Permits in the Institutional District.

The project site consists of four parcels with a combined area of 3.02 acres (according to submitted site plans) with frontage on McDowell and Hamilton Streets, in between Brooklet Street and Victoria Road. The area is zoned Institutional and is developed primarily with hospital-related uses.

The applicant is proposing to construct a new medical building and associated parking structure on the site. The building is proposed to be used as an outpatient cancer center and will be 118,821 square feet and 6 stories tall (approximately 112' feet in height to the top of the highest architectural element at the tallest point of the structure). The associated parking structure is 110,700 square feet and 2 stories tall (approximately 52' feet in height at the tallest point of the structure) for a combined total square footage of 229,521 square feet. The site slopes approximately 30 feet from east (Private Drive) to west (McDowell Street), which results in a variety of height calculations depending on the façade elevation.

The infrastructure shown on submitted site plans as existing is part of a conditionally approved major subdivision (BP # 09-4835) and a proposed road closure, but is not currently in place. Access to the site is proposed from "Private Drive" which is currently Hamilton Street. Plans propose five curb cuts off of "Private Drive" – three for access into the parking structure (to the north of the site), one for trash dumpster access and one for a patient drop-off / pick-up location (at the southernmost end of the project site).

The 2-story parking structure accommodates a total of 348 spaces (projected 147 spaces for staff and 201 spaces for patient use). Five percent of the total number of parking spaces has been designated for bicycle parking. There are sidewalks shown on the McDowell Street, Private Drive and Hospital Drive frontages.

Landscaping required for this project includes building impact landscaping, street trees, street buffer and parking deck screening. Five percent of the lot area is required to be set aside for urban-style open space amenities (0.15 acres). The plans indicate more than the required amount of open space. There are a number of retaining walls on the site – two of which appear to trigger compliance with the retaining wall screening and landscaping requirements. Detailed landscaping review will be completed during the final Technical Review Committee (TRC) process.

The UDO bases parking requirements for medical uses on the footprint of the building. In this case, a range of 475-594 parking spaces are required. The applicant has studied this specific use for the site and has found that a total of 348 spaces are needed (based upon 147 spaces for staff and 201 spaces for patient use). Because the building and use is a component of the overall Mission-St. Joseph's Hospital Campus, staff feels that any overflow parking needs can be adequately addressed through shared parking at existing surface lots and parking structures in the immediate vicinity.

This project was approved with conditions by the TRC on November 2, 2009. There was no public comment and as of the writing of this report, no communication has been received regarding this proposal.

City Council must take formal action as set forth in Section 7-5-5(e)(3) of the UDO, and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case pursuant to Section 7-16-2(c). Staff's review indicates that all seven standards are met as proposed in the site plan.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**

The project will meet State building code requirements and will be reviewed in detail by the Technical Review Committee to ensure compliance with safety requirements.

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

The proposed use and development of the land is compatible with the natural and topographic features on the site. There is a change in grade of approximately 30 feet from east to west and the design of the structure and parking garage accommodates this shift including a partial floor on the lower side. There are several retaining walls on the site, primarily located at the southwestern corner of the parcel. These walls will comply with screening standards found in the UDO.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The parcels in the area surrounding this site are largely owned and operated by the Mission Health System for the hospital and medical offices or other similar, supporting uses. All parcels in the immediate area are also zoned Institutional. This general location has been established as a medical hub for some time. The Outpatient Cancer Center is expected to be a complimentary use and should not injure the value of adjoining or abutting properties.

Although not a part of this application, the owners of several properties in the immediate area have raised concerns about the impact of TRC-approved roadway improvements on the value of their properties. Those property owners are, however, meeting with representatives of Mission Health Systems and City staff and there is good progress toward an agreement, while not yet a final solution.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The new Outpatient Cancer Center is proposed at 6 stories in height, which is similar to other structures in the immediate area and while there are some lower buildings nearby, this development is proposed in a design similar to other buildings and structures on the Health Systems campus. There will be significant vegetation on the site with trees, shrubs and both green open space as well as a hardscaped open space area along Hospital Drive, reducing the coverage of structures on the lot. This site is an appropriate location for a medical use and this development is compatible with the scale, bulk, coverage and character of the area in which it is located.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

The Asheville City Development Plan 2025 refers to the Sustainable Economic Development Strategic Plan, which notes that the top strength of the City is "availability of adequate health care." Furthermore, Goal IV in the Land Use & Transportation section

recommends that “the City should enhance its role as western North Carolina’s regional medical and education center,” with the specific strategy of working with Mission-St. Joseph’s Health System in the implementation of their Master Facilities Strategic Plan. This proposal enhances and expands the region’s access to medical services and furthers the goals of the Hospital’s master planning efforts.

Additionally, this project is proposed to be LEED certified, which aligns with Smart Growth policies recommended in the Plan.

Although not specifically linked to this approval, the associated roadway improvements in the immediate area that make this project feasible directly support goals in the transportation section of the Plan that seek to make infrastructure improvements that will support economic development and community needs.. The Plan does recognize all modes of transportation, including cars, transit, bikes and pedestrians – this proposal is proximate to four transit routes and sidewalks are included on all street frontages. The Bicycle Master Plan does recommend bike lanes along Victoria Road, which has been noted in the TRC Staff Report and was discussed by the Greenways Commission during their evaluation of associated roadway closures.

This proposal works to achieve City Council’s goals on being green by seeking LEED certification on the facility and on sustainability by the commitment to infrastructure with the related roadway improvements. Although not a part of this Level 3 review, the project is linked with improvements to Victoria Road and the creation of Hospital Drive, which will provide a link between Biltmore Avenue and McDowell Street, easing and improving traffic issues and congestion between the Health System campus, A-B Tech and Asheville High School.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

This proposed development is located near major road facilities and interstate connections as well as proximate to several transit lines (Rtes. 4, 8, 6 & 12). In addition, the project has been reviewed by the Technical Review Committee who found that existing infrastructure appears adequate and preliminary review has not revealed any problems for future service to the development.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

The proposed project has been reviewed by the City’s Traffic Engineer. Based on the proposed street infrastructure improvements that were approved by TRC as a part of a separate Major Subdivision review, this development is not expected to cause undue traffic congestion and/or create a traffic hazard. This development was included in a traffic impact study that identified the need for the proposed street infrastructure improvements.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? The proposal satisfies a key goal in the comprehensive plan which seeks to advance and maintain a top strength of the City – the availability of health care.
- ? The applicant will be seeking LEED certification, meeting key “green building” goals of the City.

- ? Parking for the project is proposed in a structured deck, thereby reducing the impervious area that a surface lot would consume.
- ? Related infrastructure improvements will create and enhance connectivity between Biltmore Avenue and McDowell Street.

Cons:

- ? The applicant is seeking a modification for a reduction in parking based on the specific use – the parking provided does not satisfy the requirements of the UDO.

Staff recommends approval of the Level 3 development proposal for a new outpatient cancer center and associated parking structure as proposed, including support for the parking requirement modification.

Mr. True Morse, Director of Facility Planning for Mission Health System, explained the important significance of the nature of this project for cancer care in western North Carolina. He said their cancer services are scattered around multiple locations and this would provide a common location for those services, which will help overcome the patient and family challenges dealing with multiple care sites. The programs to be housed in this facility, which will include a multi-disciplinary clinic, coupled with initiatives such as Mission's partnership with UNC Hospital's Cancer Program will further increase the quality of cancer care in western North Carolina. He provided the Commissioners with a brief overview of the program elements and description of the project. Using pictures, Mr. Morse showed the area as it exists today, a footprint of the building and an anticipated schedule of when the project would be completed, which is anticipated to be January of 2012. He said they have the support of the Asheville School System as well as A-B Technical Community College. He asked for the Commissioner's support of this project.

Mr. Bill Roark, civil engineer for the project, said that they are in the process of addressing the Technical Review Committee comments.

Chair Weeks opened the public hearing at 5:25 p.m. and when no one spoke, she then closed it at 5:25 p.m.

In response to Mr. Byers about the road configuration of Victoria Road, Ms. Bernstein said that Victoria Road, as well as the new Hospital Drive, was reviewed as part of a major subdivision review by the Technical Review Committee, which included evaluation by the Public Works Department and Traffic Engineer. Assistant Planning & Development Director Shannon Tuch also noted that there is also a plan for re-routing traffic, staging, etc.

There was a brief discussion, initiated by Mr. Byers, about sidewalks and their connections to existing sidewalks

When Mr. Sizemore asked about a bus shelter easement only and no requirement for an actual shelter, Ms. Bernstein explained that there is not a route plan to go down Hospital Drive at this time; however, if routes change in the future, we will have the space for a shelter.

When Mr. Byers recalled earlier discussions about creating a greenway from downtown to the Hospital and A-B Technical Community College, Ms. Bernstein said that the Greenway Master Plan does not show an actual route for a greenway from downtown to the Hospital. The Greenway Commission did not review this project for a greenway connection since the proposed greenway in the plan does not touch this project area. They did, however, focus more on the Bicycle Master Plan for the proposed road closures. Ms. Tuch noted that while the greenway doesn't actually touch this property, there are proposals for bike lanes and other bicycle connections.

Chair Weeks noted that the Town Branch Greenway extends along Choctaw to McDowell Street and there would be a linkage there with the sidewalk at the Hospital. Planning & Development Director Judy Daniel explained that we are looking at a greenway along Choctaw where it comes off of the greenway and then goes on the street for awhile. A greenway is to build that kind of connectivity, but all of it won't necessarily be green.

Mr. Byers asked that we coordinate with the Greenway Commission for an appropriate connection, understanding that may not always mean a literal greenway, between downtown and the Hospital, especially since the hospital is receptive to their private roadway being used for that purpose. He urged the Commissioners to incorporate that into their action.

Based on the above findings and the analysis provided in the report, Mr. Sizemore moved to recommend approval of the conditional use permit adopting the proposed master plan for the project identified as Mission Outpatient Cancer Center located on Hamilton Street for a 229,521 square foot medical building and parking deck, with approval of the parking requirement modification, subject to the following conditions (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (5) This project will undergo final review by the TRC prior to issuance of any required permits. This motion was seconded by Mr. Jones and carried unanimously by a 4-0 vote (Mr. Cannady and Mr. Hart excused).

Other Business

Chair Weeks announced there would be no mid-month meeting in December. The next regular meeting will be on January 6, 2010.

Adjournment

At 5:37 p.m., Mr. Jones moved to adjourn the meeting. This motion was seconded by Mr. Sizemore and carried unanimously by 7-0 vote.